

REMARKS

In the Office Action the Examiner rejected claims 7, 16, and 25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Application Patent Publication No. 2005/0100025 to Nagami et al. ("*Nagami*"); and rejected the claims under 35 U.S.C. § 112.¹

Applicant amends claims 1, 7, 10, and 16. Claims 1-5, 7-14, 16-20, and 25-32 remain pending.

Applicant thanks the Examiner for taking the time to discuss the outstanding Office Action on February 18, 2010 and February 19, 2010. The outstanding Office Action appears to be based on an out-dated Reply to Office Action. That is, a Reply to Office Action other than the current Reply filed on July 7, 2009. Accordingly, the Examiner agreed to issue a new non-final office action in the event the claims are not in condition for allowance.

Applicant respectfully traverses the rejection under 35 U.S.C. § 112. Applicant has amended independent claims 1, 7, 10, and 16 to remove the allegedly indefinite recitations of the claims. Accordingly, Applicant asserts that the claims are compliant with 35 U.S.C. § 112.

Applicant respectfully traverses the rejection of claims 7, 16, and 25 under 35 U.S.C. § 102(e). As discussed above, the rejection was based upon an out-dated claim set. That is, a claim set other than the claims set filed with the Reply filed on July 7, 2009. Accordingly, a proper rejection has not been established.

For example, independent claims 7 recites, among other things, a device to device authentication system for authenticating one or more devices including "a unit

¹Applicant notes that the prior Office Action did not include a rejection under 35 U.S.C. § 112. The outstanding Office Action, however, only refers to a § 112 rejection in response to arguments section.

configured to receive a request for permission to use a content from the second device." *Nagami* fails to disclose at least this element of claim one, nor does the Office Action assert that this element is disclosed by *Nagami*.

Accordingly, the Office Action fails to set forth a proper rejection under § 102(e). The rejection of independent claims 16 and 25 are deficient for reasons similar to those discussed above. Accordingly, Applicant requests that the rejection be withdrawn.

Applicant respectfully submits that claims 1-5, 7-14, 16-20, and 25-32 are in condition for allowance. For example, the outstanding Office Action stated that except for claims 7, 16, and 25, the claims were allowable if rewritten in a form complying with 35 U.S.C. § 112. Office Action at 5. As discussed above, the claims comply with 35 U.S.C. § 112. Furthermore, as claims 7, 16, and 25 distinguish over the cited art as discussed above, claims 7, 16, and 25 are also in condition for allowance.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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